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7 IN THE UNITED STATES DISTRICT COURT
8 FOR THE EASTERN DISTRICT OF CALIFORNIA

9 HECTOR SANCHEZ LEYVA,

10 Petitioner,

No. CIV S-05-0031 FCD GGH P

11 vs.

12 ROBERT AYERS,

13 Respondent.

ORDER

14 _____/
15 Petitioner is proceeding with appointed counsel on an application pursuant to 28
16 U.S.C. §2254. As noted in the court's order filed on December 12, 2005, petitioner pro se is
17 apparently "dissatisfied" with his counsel. See letters filed on 8/9/05 and on 10/26/05. On
18 December 5, 2005, petitioner's counsel filed a request for leave to withdraw as counsel due to
19 "an irreconcilable difference between himself and the client." See counsel's 12/05/05 request.

20 In the court's December 12, 2005 order, the court also observed that prior to
21 counsel's request, on November 3, 2005, respondent had filed a motion to dismiss. The
22 undersigned, therefore, informed the parties that petitioner's counsel's request to withdraw would
23 not be considered before counsel's (overdue) response to the motion was filed, for which
24 response the court granted an extension of time. On December 31, 2005, counsel for petitioner
25 filed a response to respondent's motion.

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1 On January 30, 2006, petitioner, inter alia, filed a request for a new attorney. The
2 pending motion to dismiss is now deemed submitted on the papers and counsel for petitioner's
3 December 5, 2005 request to withdraw as counsel is granted based on the requests of both
4 petitioner pro se and his counsel. However, petitioner's latest request, filed on January 30, 2006,
5 for new counsel is denied without prejudice. Petitioner may renew a motion for appointment of
6 counsel upon adjudication of the submitted motion to dismiss, if appropriate.

7 IT IS SO ORDERED.

8 DATED: 3/7/06

/s/ Gregory G. Hollows

GREGORY G. HOLLOWES
UNITED STATES MAGISTRATE JUDGE

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